THE CODE OF CONDUCT

CODE OF CONDUCT

1955 - EXECUTIVE ORDER 10631 TO PROVIDE GUIDANCE TO MEMBERS OF THE ARMED FORCES IN COMBAT AND WHILE A POW OR SUBJECT TO HOSTILE DETENTION

1977 - ARTICLE V AMENDED TO PROVIDE “BOUNCE BACK” POLICY

1988 - AMENDED TO BECOME GENDER-NEUTRAL

CODE OF CONDUCT

NOT A PUNITIVE REGULATION OR GENERAL ORDER, <u>BUT</u>

VIOLATIONS OF CERTAIN ARTICLES MAY ALSO VIOLATE PROVISIONS OF THE UCMJ!

EXAMPLE: ACTS HARMFUL TO COMRADES (ARTICLE IV) MAY ALSO VIOLATE ARTICLE 104 OF UCMJ (AIDING THE ENEMY) - *GARWOOD* CASE

REFERENCES

- DoD DIRECTIVE 1300.7, 23 DEC 1988, TRAINING AND EDUCATION MEASURES NECESSARY TO SUPPORT THE CODE OF CONDUCT
- AFI 36-2209, SURVIVAL AND CODE OF CONDUCT TRAINING, 1994
- AR 350-30, CODE OF CONDUCT, SURVIVAL, EVASION, RESISTANCE, AND ESCAPE (SERE) TRAINING, 1985
- OPNAVINST 1000.24B, CODE OF CONDUCT TRAINING, 1989

ARTICLE I

I AM AN AMERICAN, FIGHTING IN THE FORCES WHICH GUARD MY COUNTRY AND OUR WAY OF LIFE. I AM PREPARED TO GIVE MY LIFE IN THEIR DEFENSE.

ARTICLE I

APPLIES TO ALL SERVICE MEMBERS AT ALL TIMES

- IN ACTIVE COMBAT

OR

- IN CAPTIVITY OR DETENTION

TO ENABLE POWs TO SURVIVE LONG AND STRESSFUL PERIODS OF CAPTIVITY AND FETURN TO THEIR COUNTRY AND FAMILIES HONORABLY WITH SELF-ESTEEM INTACT

ARTICLE II

I WILL NEVER SURRENDER OF MY OWN FREE WILL. IF IN COMMAND, I WILL NEVER SURRENDER THE MEMBERS OF MY COMMAND WHILE THEY STILL HAVE THE MEANS TO RESIST.

ARTICLE II

- EACH MEMBER'S DUTY IS TO NEVER VOLUNTARILY SURRENDER, BUT TO ATTEMPT TO EVADE CAPTURE
- IF YOU CANNOT EVADE, WOULD FURTHER FIGHTING LEAD TO YOUR DEATH WITH NO SIGNIFICANT LOSS TO THE ENEMY?
- A COMMANDER CANNOT SURRENDER COMMAND, EVEN IF THE UNIT IS CUT OFF, ISOLATED, OR SURROUNDED, WHILE THE UNIT HAS THE ABILITY TO RESIST, BREAK OUT, OR EVADE TO REJOIN FRIENDLY FORCES

ARTICLE III

IF I AM CAPTURED, I WILL CONTINUE TO RESIST BY ALL MEANS AVAILABLE. I WILL MAKE EVERY EFFORT TO ESCAPE AND AID OTHERS TO ESCAPE. I WILL ACCEPT NEITHER PAROLE NOR SPECIAL FAVORS FROM THE ENEMY.

ARTICLE III

- POWs CAN EXPECT TO BE EXPLOITED OR USED BY THEIR CAPTORS, BUT MUST RESIST ALL SUCH EFFORTS
- POWs MUST NOT ACCEPT SPECIAL FAVORS, BENEFITS, OR PRIVILEGES NOT GIVEN TO OTHER POWs
- THE GENEVA POW CONVENTION RECOGNIZES THE RIGHT OF A POW TO ATTEMPT TO ESCAPE
- ALTHOUGH THE GENEVA CONVENTION AUTHORIZES A POW TO GIVE PAROLE, U.S. POLICY FORBIDS IT

MEDICAL PERSONNEL AND CHAPLAINS

- **<u>RETAINED</u> PERSONNEL PERFORMING MEDICAL AND RELIGIOUS DUTIES**
- **IF ALLOWED TO PERFORM DUTIES, NO DUTY TO ESCAPE**
- **IF TREATED AS POW, DUTY TO ESCAPE**

ARTICLE IV

IF I BECOME A PRISONER OF WAR, I WILL KEEP FAITH WITH MY FELLOW PRISONERS. I WILL GIVE NO INFORMATION OR TAKE PART IN ANY ACTION WHICH MIGHT BE HARMFUL TO MY COMRADES. IF I AM SENIOR, I WILL TAKE COMMAND. IF NOT, I WILL OBEY THE LAWFUL ORDERS OF THOSE APPOINTED OVER ME AND WILL BACK THEM UP IN EVERY WAY.

ARTICLE IV

- CAMP DISCIPLINE, TRUST AND FAITH AMONG POWs EQUATE TO SURVIVAL
- INFORMING OR ANY OTHER ACTION DETRIMENTAL TO FELLOW POWs IS DESPICABLE AND EXPRESSLY FORBIDDEN
- STRONG LEADERSHIP IS ESSENTIAL
- POWs SHOULD ORGANIZE IN A MILITARY MANNER
- SENIOR SHOULD ASSUME COMMAND AND DESIGNATE THE CHAIN OF COMMAND
- MAINTAINING COMMUNICATIONS IS CRITICAL

POW COMMAND

- SENIOR LINE OFFICER, REGARDLESS OF SERVICE, ASSUMES COMMAND OF OFFICERS
- GENEVA POW CONVENTION STATES NON-OFFICER POWs WILL ELECT POW REPRESENTATIVES, BUT U.S. POLICY IS THAT SENIOR NCO WILL ASSUME COMMAND
  - IF SENIOR POW NOT THE REPRESENTATIVE, THE REPRESENTATIVE WILL SPEAK FOR THE SENIOR
- MEDICAL OFFICERS CAN COMMAND ONLY OTHER MEDICAL PERSONNEL
- CHAPLAINS CAN NEVER COMMAND

ARTICLE V

WHEN QUESTIONED, SHOULD I BECOME A POW, I AM REQUIRED TO GIVE MY NAME, RANK, SERVICE NUMBER AND DATE OF BIRTH. I WILL EVADE ANSWERING ANY FURTHER QUESTIONS TO THE UTMOST OF MY ABILITY. I WILL MAKE NO ORAL OR WRITTEN STATEMENTS DISLOYAL TO MY COUNTRY AND ITS ALLIES OR HARMFUL TO THEIR CAUSE.

ARTICLE V

- GENEVA POW CONVENTION SETS OUT WHAT INFO POWs MUST GIVE
- BE CAREFUL FILLING OUT “CAPTURE CARDS” - STATEMENTS MAY BE USED FOR PROPAGANDA PURPOSES OR TO ACCUSE YOU OF BEING WAR CRIMINAL
- WAR CRIMINAL CONVICTION REMOVES GENEVA PROTECTIONS

"BOUNCEBACK POLICY"

- KEY PHRASE - "UTMOST OF MY ABILITY"
- IF, UNDER INTENSE INTERROGATION, UNAUTHORIZED INFORMATION WAS UNWILLINGLY OR ACCIDENTALLY DISCLOSED, THE MEMBER SHOULD ATTEMPT TO RECOVER AND RESIST WITH A FRESH LINE OF MENTAL DEFENSE
- THE BEST WAY TO KEEP FAITH IS TO PROVIDE AS LITTLE INFORMATION AS POSSIBLE
- HOWEVER, POWs SHOULD NOT FEEL LIKE TRAITORS IF THEY ARE TORTURED BEYOND THEIR ENDURANCE

ARTICLE VI

I WILL NEVER FORGET THAT I AM AN AMERICAN, RESPONSIBLE FOR MY ACTIONS AND DEDICATED TO THE PRINCIPLES WHICH MADE MY COUNTRY FREE. I WILL TRUST IN MY GOD AND IN THE UNITED STATES OF AMERICA.

ARTICLE VI

- **REMINDS POWs THAT THEY ARE NOT FORGOTTEN**
- **THEY HAVE A RIGHT TO DEPEND UPON THE UNITED STATES TO USE "EVERY AVAILABLE MEANS" TO SECURE THEIR RELEASE AND TO TAKE CARE OF THEIR FAMILIES AND THEIR CAREERS**
- **HOWEVER, THEY MAY BE HELD ACCOUNTABLE FOR THEIR ACTIONS WHILE IN CAPTIVITY**

GUIDANCE FOR PEACETIME CAPTIVITY OR HOSTILE DETENTION

- DOD DIR, 1300.7, ENCLOSURE 3, GUIDANCE FOR INSTRUCTION TO ASSIST U.S. MILITARY PERSONNEL IN CAPTIVITY OR HOSTILE DETENTION DURING PEACETIME
  - [ATTACHED TO OPNAVINST 1000.24B]
- AR 350-30, CHAPTER 5, POLICY AND GUIDANCE FOR PEACETIME CONDUCT OF SOLDIERS IN DETENTION, CAPTIVE, OR HOSTAGE SITUATIONS
- "U.S. MILITARY PERSONNEL FINDING THEMSELVES ISOLATED FROM U.S. CONTROL ARE REQUIRED TO DO EVERYTHING IN THEIR POWER TO FOLLOW DOD POLICY. THE DOD POLICY IN THIS SITUATION IS TO SURVIVE WITH HONOR."

GUIDANCE FOR PEACETIME CAPTIVITY OR HOSTILE DETENTION

- FOR SPECIFIC MISSIONS OR IN AREAS WHERE U.S. MILITARY PERSONNEL MAY HAVE A HIGH RISK OF PEACETIME DETENTION OR TERRORTIST CAPTIVITY, THE SERVICES ARE OBLIGATED TO PROVIDE TRAINING AND DETAILED GUIDANCE TO THE PERSONNEL
- U.S. SHALL MAKE EVERY GOOD FAITH EFFORT TO OBTAIN EARLIEST RELEASE
- PERSONNEL MUST TAKE EVERY REASONABLE STEP TO PREVENT EXPLOITATION OF SELVES AND U.S. GOV'T
- U.S. PERSONNEL SHALL MAINTAIN THEIR MILITARY BEARING; DISCOURTEOUS, UNMILITARY BEHAVIOR SELDOM SERVES LONG-TERM CAPTIVE INTERESTS AND MAY RESULT IN UNNECESSARY PUNISHMENT
- ESTABLISH CHAIN OF COMMAND

GUIDANCE FOR DETENTION BY GOVERNMENTS

- ONCE IN THE CUSTODY OF A HOSTILE GOVERNMENT, REGARDLESS OF THE CIRCUMSTANCES THAT PRECEDED THE DETENTION SITUATION, DETAINEES ARE SUBJECT TO THE LAWS OF THAT GOVERNMENT.
- DETAINEES SHOULD ASK IMMEDIATELY AND CONTINUALLY TO SEE U.S. EMBASSY PERSONNEL OR A REPRESENTATIVE OF AN ALLIED OR NEUTRAL GOVERNMENT.
- U.S PERSONNEL WHO BECOME LOST OR ISOLATED IN A HOSTILE FOREIGN COUNTRY DURING PEACETIME SHALL NOT ACT AS COMBATANTS DURING ESCAPE ATTEMPTS. SINCE A STATE OF ARMED CONFLICT DOES NOT EXIST, THERE IS NO PROTECTION AFFORDED UNDER THE GENEVA CONVENTIONS. THAT COUNTRY'S LAWS APPLY.

GUIDANCE FOR DETENTION BY GOVERNMENTS

- DETAINEES SHOULD PROVIDE NAME, RANK, SSAN, DATE OF BIRTH, AND THE INNOCENT CIRCUMSTANCES LEADING TO THEIR DETENTION. FURTHER DISCUSSIONS SHOULD BE LIMITED TO AND REVOLVE AROUND HEALTH AND WELFARE MATTERS, CONDITIONS OF THEIR FELLOW DETAINEES, AND GOING HOME.
- DETAINEES SHOULD AVOID SIGNING ANY DOCUMENT OR MAKING ANY STATEMENT.
- ESCAPE ATTEMPTS SHALL BE MADE ONLY AFTER CAREFUL CONSIDERATION OF THE RISK OF VIOLENCE, CHANCE OF SUCCESS, AND DETRIMENTAL EFFECTS ON DETAINEES REMAINING BEHIND. JAILBREAK IS A CRIME IN MOST COUNTRIES.

GUIDANCE FOR CAPTIVITY BY TERRORISTS

- IF U.S. PERSONNEL ARE UNCERTAIN WHETHER CAPTORS ARE GENUINE TERRORISTS OR SURROGATES OF GOVERNMENT, THEY SHOULD ASSUME THAT THEY ARE TERRORISTS.
- SURVIVING IN SOME TERRORIST DETENTIONS MAY DEPEND ON CAPTIVES CONVEYING A PERSONAL DIGNITY AND APPARENT SINCERITY TO THE CAPTORS.
- MAKE EVERY EFFORT TO AVOID EMBARRASSING THE U.S. AND THE HOST GOVERNMENT.
- HOSTAGES AND KIDNAP VICTIMS WHO CONSIDER ESCAPE THEIR ONLY HOPE ARE AUTHORIZED TO MAKE SUCH ATTEMPTS.

QUESTIONS?

COMMENTS?